

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. DR:C13841-671

Patricia Arnold
Kennard S. Dobson

562 Chalcot Square

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 11, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-201, failure to eliminate discharge and accumulation of offensive matters, stagnant water, airborne matter, foul or nauseous odor on residential property known as 562 Chalcot Square, 21221.

On July 23, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Joseph Lewis issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondents by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$200.00 (two hundred dollars).

The Respondents failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondents) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 5, 2009 for cleanup of this residential property and removal of pet urine and any other offensive matter causing strong odor. A Citation was issued on October 22, 2009; a Hearing was held on November 18, 2009, and the enforcement action was suspended after Respondent Patricia Arnold and a friend testified that they would clean up the property and cooperate with the DEPRM inspector. Another Citation was issued on January 14, 2010. A Hearing was held on that Citation on January 27, 2010; Respondent Arnold testified that she had been hospitalized with a hip replacement and was using a portable toilet, and agreed to permit an interior inspection and to cooperate with the DEPRM inspector. Another Citation was issued on March 26, 2010; Respondent Arnold requested postponement of the Hearing due to illness, and no Hearing was held. This Citation was issued on July 23, 2010.

B. Inspector Joseph Lewis testified that Mrs. Arnold notified him that she is too ill to attend this Hearing, and that she has refused to contact her son or let the Department contact her son, who is listed in tax records as the co-owner of the property. Inspector Lewis testified that Respondent Arnold has declined offers of assistance from the Baltimore County Department of Aging and from neighbors who offered to help clean the house. Inspector Lewis testified that his inspection on July 23, 2010 still found a very strong odor of pet urine and waste at the property, as he stood on the front porch. He requested an order permitting the County to enter the property to remove the source of the odor.

C. The testimony and evidence shows clearly that there is an accumulation of waste or other foul or nauseous matter in this house that is generating a strong and offensive odor. Under County law, a person may not keep, collect, or allow to remain on the premises nauseous liquid, stagnant water, or other offensive matter. BCC Section 13-7-201. DEPRM may enforce this prohibition using code enforcement proceedings. Because Respondents have not cooperated with previous notices and orders, in the interest of public health this Order will include a mandatory cleanup order, at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the County may enter the premises for the purpose of removing the offensive matter and abating the offensive odor, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer